

ORDINANCE NO. 2014-404

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
LOS ALTOS AMENDING CHAPTER 6.40.030 OF THE LOS
ALTOS MUNICIPAL CODE REGARDING REUSABLE BAGS**

WHEREAS, in 2013, the City of Los Altos adopted an Ordinance related to single-use carryout bags; and

WHEREAS, said Ordinance required retail establishments to charge a minimum of ten cents (\$0.10) for recycled paper bags or reusable bags; and

WHEREAS, on January 1, 2015, the minimum charge for recycled paper bags or reusable bags will increase to \$0.25; and

WHEREAS, the City has determined to cap the minimum charge for recyclable paper bags and reusable bags at \$0.10 and to eliminate a future increase to \$0.25 per bag; and

WHEREAS, the \$0.10 per bag charge was analyzed in the Environmental Impact Report adopted in 2012 by the San Mateo County Board of Supervisors; and

WHEREAS, the City intends this Ordinance to fall within the scope of the County's EIR.

NOW THEREFORE, the City Council of the City of Los Altos does hereby ordain as follows:

SECTION 1. AMENDMENT OF CODE: Chapter 6.40.030 – Single-use carry-out bag is hereby amended to read as follows:

6.40.030. – Single-use carry-out bag.

- A. No retail establishment shall provide a single-use carry-out bag to a customer, at the check stand, cash register, point of sale or other point of departure for the purpose of transporting food or merchandise out of the establishment except as provided in this section.
- B. A retail establishment may only make recycled paper bags or reusable bags available to customers if the retailer charges a minimum of ten cents (\$0.10) per bag.
- C. Notwithstanding this section, no retail establishment may make available for sale a recycled paper bag or a reusable bag unless the amount of the sale of such bag is separately itemized in the sale receipt.
- D. A retail establishment may provide one or more recycled paper bags at no cost to any of the following individuals: a customer participating in the California Special Supplement Food Program for Women, Infants, and Children pursuant to Article 2 (commencing with Section 123275) of Chapter 1 of Part 2 of Division 106 of the Health and Safety Code; a customer participating in the Supplemental Food Program

pursuant to Chapter 10 (commencing with Section 15500) of Part 3 of Division 9 of the California Welfare and Institutions Code; and a customer participating in Calfresh pursuant to Chapter 10 (commencing with Section 18900) Part 6 of Division 9 of the California Welfare and Institutions Code.

SECTION 2. CEQA REVIEW.

On October 23, 2012, the County of San Mateo adopted a Program Environmental Impact Report (“EIR”) that analyzed the impacts of this reusable bag Ordinance if adopted in cities throughout the County of San Mateo as well as neighboring jurisdictions. The EIR was adopted pursuant to the California Environmental Quality Act, Public Resources Code Section 21000 et seq. (“CEQA”) and the CEQA Guidelines, California Code of Regulations, Title 14, Section 15000 et seq. It is incorporated by reference herein.

Pursuant to Section 15096 of the CEQA Guidelines, the City of Los Altos acts as a responsible agency for adoption of this Ordinance within the City of Los Altos. Upon independent review of the EIR and all the evidence before it, the City Council makes the following findings:

1. The Ordinance eliminating the recycled paper bag or reusable bag minimum fee increase from \$0.10 to \$0.25, does not constitute a substantial change; and
2. The certified Program EIR is adequate and no changes or additions of the EIR are necessary as the Ordinance was analyzed as part of the certified EIR, which analyzed a bag fee of \$0.10, and no further environmental review is required; and
3. The Final Program Environmental Impact Report (“Final Program EIR”) is complete, correct, adequate, and prepared in accordance with CEQA, 14 California Code of Regulations, section 15000 et seq. (“CEQA Guidelines”), and the public comment period; and
4. On the basis of the Initial Study, Notice of Preparation, Final Program EIR, and public comment received by both the County of San Mateo and the City of Los Altos, there is no substantial evidence that the project as proposed will have a significant effect on the environment; and
5. Adoption of this Ordinance and analysis of the EIR reflects the independent judgment of the City Council of the City of Los Altos; and
6. None of the conditions listed in CEQA Guidelines, Section 15162(a), are applicable to adoption of this Ordinance, and adoption of this Ordinance is an activity that is part of the program examined by the County’s Final Program EIR and is within the scope of the project described in the County’s Final Program EIR.

SECTION 3. SEVERABILITY.

If any provision of this Chapter or the application of such provision to any person or in any circumstance shall be held invalid, the remainder of this Chapter, or the application of such

provision to person or in circumstances other than those as to which it is held invalid, shall not be affected thereby.

SECTION 4. CONSTITUTIONALITY. If any section, subsection, sentence, clause or phrase of this code is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this code.

SECTION 5. PUBLICATION. This Ordinance shall be published as provided in Government Code section 36933.

SECTION 6. EFFECTIVE DATE. This ordinance shall be effective upon the commencement of the thirty-first day following the adoption date.

The foregoing ordinance was duly and properly introduced at a regular meeting of the City Council of the City of Los Altos held on October 28, 2014 and was thereafter, at a regular meeting held on November 25, 2014 passed and adopted by the following vote:

AYES:	BRUINS, CARPENTER, FISHPAW, PEPPER, SATTERLEE
NOES:	NONE
ABSENT:	NONE
ABSTAIN:	NONE

Megan Satterlee, MAYOR

Attest:

Jon Maginot, CITY CLERK

